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Carson Block

**UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: EQUIFAX INC. CUSTOMER
DATA SECURITY BREACH
LITIGATION

MDL Docket No. 2800

Case No. 1:17-md-2800

CONSUMER TRACK

Carson Block v. Equifax, Inc., et al
Member Case No. 1:17-cv-05341

NOTICE OF MOTION AND EFFORTS TO RESOLVE SAME

Section 3 of Case Management Order No. 5 in this case, dated June 11, 2018, provides, in relevant part, as follows:

Should any party wish to file a motion not otherwise contemplated by a case management order, the party must file a notice with the Court explaining the

basis for the motion, the efforts taken to resolve that motion without judicial intervention, and the remaining disagreements between the Parties.

Accordingly, Plaintiff Carson Block (member case number 1:17-cv-05341-TWT) hereby submits this Notice in compliance with the above-quoted requirement.

I. BASIS FOR MOTION

Plaintiff Carson Block is filing concurrently with this Notice a motion for an order to establish a separate track for himself and for the Court to issue for Block certain Case Management Orders as needed to accommodate the establishment of this new track. This motion is necessitated by the fact that the Carson Block lawsuit is unique and distinct from the other cases in this multidistrict litigation insofar as the Block suit names a multiplicity of individual defendants who are otherwise not parties to any of the cases that have been centralized in this multidistrict litigation, and are not parties to the Consolidated Consumer Class Action Complaint that was filed on May 14, 2018.¹ Accordingly, modification of Case Management Orders in this case by creating a separate discovery track for the Block action, as requested herein, will facilitate the just and efficient conduct of this litigation. For a further explanation of the relief sought in this motion, and the grounds therefor, Plaintiff Block refers this

¹ Those individual defendants are Richard F. Smith; Susan Mauldin; Mary Hannan; Graeme Payne; Harold Boutin; Robert Friedrich; Vidya Sagar Jagadam; Lara Pearson; Shea Giesler; Cliff Barbier and Joe Sanders.

Court to the actual Motion to Establish a Separate Track for Actions Involving Individual Defendants, which has been filed concurrently herewith.

II. EFFORTS TAKEN TO RESOLVE THE MOTION WITHOUT JUDICIAL INTERVENTION

Counsel for Plaintiff Block has made reasonable good faith efforts to confer with Co-Lead Counsel for the Consumer Plaintiffs and with Counsel for Equifax by sending an email to all such counsel on June 20, 2018, explaining the relief to be sought in this motion, and the factual and legal grounds therefor. Attorney Ken Canfield responded by email that same date, on behalf of the Consumer Plaintiffs, stating that the Consumer Plaintiffs would oppose this motion, and that there was no need for any further discussions. Counsel for Plaintiff Block responded, requesting that counsel for Equifax state their position. To date, Equifax has failed to respond to moving party's request to confer regarding the possibility of resolving the subject matter of this motion without resorting to the intervention of this Court. The exchange of emails between counsel as described herein is attached to the Weinreich declaration.

III. REMAINING DISAGREEMENTS BETWEEN THE PARTIES

As described in the previous section, the Consumer Plaintiffs have stated that they categorically oppose the motion, and that they believe that any discussion with the moving party about said motion would not be fruitful. Counsel for Equifax have

failed to provide any response whatsoever to the moving party's request to confer. Accordingly, all issues raised by the contemplated motion remain unresolved.

IV. CONCLUSION

For the above stated reasons, Plaintiff Block respectfully request this Court to accept the submission of Plaintiff's Motion to Establish a Separate Track.

Date: August 12, 2018

SYVERSON, LESOWITZ & GEBELIN, LLP

/s/ Scott M. Lesowitz
SCOTT M. LESOWITZ
DEAN WEINREICH
Attorneys for Plaintiff
Carson Block

CERTIFICATION OF FONT SIZE

Pursuant to Local Rule 7.1(D), the undersigned counsel certifies that this document has been prepared with 14-point Times New Roman font in compliance with the requirements of Local Rule 5.1(C).

Date: August 12, 2018

SYVERSON, LESOWITZ & GEBELIN, LLP

/s/ Scott M. Lesowitz

SCOTT M. LESOWITZ
DEAN WEINREICH
Attorneys for Plaintiff
Carson Block

CERTIFICATION OF SERVICE

I hereby certify that on August 12, 2018, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/ Scott M. Lesowitz
SCOTT M. LESOWITZ
Attorneys for Plaintiff
Carson Block